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THE FINAL EFFORTS AT COMPROMISE, 1860–61.

IN the Charleston Convention of 1860 the Democratic party divided into two hostile factions. One contended for Douglas's theory of popular sovereignty; the other struggled for Davis's doctrine of Congressional intervention in behalf of slavery. There and then the South took her first positive step towards disunion. The Presidential election brought her signal defeat. The Democratic leaders in the South then realized their mistake; namely, that their action had been too violent to permit them to return to the national Democratic standard, yet not violent enough to frighten the half-souled politicians of the North into submission. The next *logical* step was secession. Would the South have the courage or the foolhardiness to attempt it? Would the North be so weak as to permit it? Or would she endeavor to conciliate the South by means of another compromise on the slavery question? It was generally known that South Carolina favored immediate secession; she had favored it before, but had postponed action because she felt the need of sympathy and support from the other Southern states. They still hesitated, hoped for the best, and a majority of their population said: Let us await the issue of the coming struggle in Congress.

The opening of the second session of the thirty-sixth Congress, December 3, 1860, was significant and painful. Immediately after the necessary preliminaries in the Senate, Clingman of North Carolina obtained the floor, violently arraigned the Northern states for their past conduct in opposition to slavery

and made a vigorous plea in justification of the recent and prospective action of the Southern states. The session had continued only a few days before the excited and hostile feelings of the first speaker were shared by almost every member of the Senate. The Southern Senators wore a look of thoughtful and gloomy determination; the lips of the Republicans were firmly set, as if in preparation to meet any danger and to utter the truth, however harsh. The antagonism of party feeling, although as yet subdued, was so intense and personal that for days there was no interchange of what in ordinary times are hourly courtesies; and it was noticed that no member of either party even crossed over to the other side of the chamber.[1]

The whole country now began to realize that the "irrepressible conflict" had again broken out, and with unprecedented violence. South Carolina was fast drifting into the gulf of secession; and it was almost certain that, unless extraordinary precautions were taken, other Southern states would follow her. As compromise had twice saved the country from secession, and perhaps from civil war, there was a widespread belief that it might again be resorted to with success.

It is the purpose of this paper to study the problem of a compromise on the slavery question as it presented itself to the North and to the South in the winter of 1860–61. To fully grasp the meaning of this problem at that time, it is necessary to have in mind at least a clear outline of the history of the development of the slavery question as an issue between the two sections.

In the early days of the Republic, when the first petitions for the abolition of slavery were presented to Congress, the South enunciated the theory that slavery was a municipal institution with which Congress had no more to do than with the school system or local administration. With this theory and a successful effort to keep the Southern representation in Congress about equal to that of the North, the South felt quite contented. But when in 1819 the opposition to the expansion of slavery had become an appreciable political force and sought to shut slavery out

[1] *Congressional Globe*, 2d Sess. 36th Cong. p. 12.

of the territories, the South saw that it was important to look out for the future, and began to claim a constitutional right to take her slave property into the territories. But as yet neither side understood the meaning of the questions which they were endeavoring to settle; and as the questions had not become intensely practical ones, the Missouri Compromise gave general satisfaction. At this time even Calhoun acknowledged the right of Congress to exclude slavery from the territories.[1] But, two decades later, the South saw herself proportionately losing weight in the political scales, and at the same time needing new territory for slavery. Texas lay on her western border, a natural sister; and, in the cant language of the believers in "manifest destiny," evidently a wise Providence had intended her for one of the states of the Union. At least, she was to become one,— although not without sullen protests on the part of the great mass of the North, and open talk of disunion by the Abolitionists.

Already, under the leadership of Calhoun, the South had enlarged her theory: slavery was municipal, but it was also national to the extent that it was the duty of Congress to protect it in the national territory, and to give it at least incidental encouragement as a state institution. When it was proposed in 1848 to organize New Mexico and California as territories within which slavery was to be prohibited, it was found that great changes had taken place in public opinion. The carrying, by a vote of 106 to 80, of Root's motion instructing the committee to bring in a bill excluding slavery from these territories, showed that the anti-slavery party had become much stronger. The most far-seeing leaders of the South now understood the import of the change. The South must stand firmly and resist every innovation, they said, or in the near future have her institutions shattered. Talk of secession was not a mere bugbear, but so alarming as to frighten some of the wisest heads and to call the venerable Henry Clay from retirement.

But as yet most of the politicians of each section were careful to keep within the well-settled limits of their respective parties;

[1] Von Holst, John C. Calhoun, p. 74.

and a great majority of the people looked upon the dispute about slavery in the territories as more or less interesting and important to politicians, but not of much practical moment to the rest of mankind. Therefore the leaders of each extreme were unable to carry out their ideas, and had to yield to Clay's great compromise of 1850. Like whipped tigers, cringing yet growling in spite of the lash, the Secessionists and the Abolitionists could only reply to Clay and others, who congratulated the country on the prospects of permanent peace, by calling the compromise insipid folly. The Nashville Convention of 1850, which was inspired by Southern radicals, told the county that, whatever might be the present solution, the diversity of interest between the two sections must ultimately lead to disunion.[1]

It is impossible to unite moral and selfish ideas in a permanent compromise. By 1854 the South felt the necessity of taking another step; namely, declaring that Congress had nothing to do with the question of slavery or freedom in the territories and that the Missouri Compromise was to be annulled. The result of this was to throw down the barriers between the contestants for these antagonistic systems of labor and to let them come to a hand-to-hand fight, a real civil war, in Kansas. In this civil war hundreds from or in every state of the Union took or felt an active interest. Now, for the first time, nearly every man in the land saw that the disputes between the North and the South had ceased to be academical and had become practical and popular. Henceforth the South began to plant herself upon Calhoun's dogma, that slavery was "a good — a positive good." A few years later Seddon of Virginia only expressed a general Southern conviction when he said: "Slavery is with us a Democratic and a social interest — a political institution — the greatest item of our prosperity."[2]

The formation of the national Republican party, in 1856, on the political basis of the exclusion of slavery from the territories and on the moral belief that slavery was a sin, was positive evi-

[1] Von Holst, Constitutional History of the United States, III, 533.

[2] Chittenden, A Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention *etc.* p. 285.

dence that a large number at the North had awakened, and would meet the challenge of the South on whatever ground she might choose. From this time on both sides, as it were, were constantly mobilizing their forces. The brutal attack on Sumner; the ever-increasing fury of Southern passion for slavery; John Brown's mad raids; the growing popularity of the most radical Abolitionists, and their zealous determination to force an issue on the slavery question, — all these greatly hurried the country to the crisis in which it found itself in December, 1860.

With the remark of Maxey Gregg in the South Carolina Convention, that the immediate cause of all was the election of Lincoln,[1] there was a general concurrence; but beyond that there was much diversity of opinion as to the causes and justifications of the plans which the South had already announced. Nevertheless, it will not be impossible to formulate the main grounds of complaint which were given utterance by the Southern leaders. In the Congressional debates of this session the Southern orator generally began his accusations against the North by affirming that it had not kept in good faith that paragraph of the constitution which provided for the return of fugitive slaves; that to the South this was a most important clause, and one without which there could have been no Union; that instead of delivering up the fugitive on claim of the person to whom service or labor might be due, as the constitution provided, most of the Northern states had passed so-called "personal liberty" laws, whose aim it was to annul the execution of that part of the constitution and the act of Congress relating to fugitive slaves.

One of the most important ideas in the formation of this government, so the Southern complaint continued, was the equality of the states; yet a party, ay, almost an entire section of the country, had declared that the South should be excluded from an equal share in the territory of the United States, which was acquired by common blood and common treasure. More than this, the Republican leaders had asserted this purpose in the face of a recent decision of the Supreme Court of the

[1] McPherson, Political History of the United States during the Rebellion, p. 17.

United States, declaring that Congress had no right, under the constitution, to exclude slavery from the territories; and they had elected a President who had said that, if he were in Congress, he would vote against permitting slaveholders to take their slave property there.

For nearly three-quarters of a century, it was added, there had been an ever-increasing hostility toward all the institutions of the South. Its best men were denounced as soulless oppressors, and its social organization was said to rest upon a "sum of all villanies." The President elected by these foes of the South had proclaimed that the country could not remain half slave and half free; which meant that by changing the members of the Supreme Court slavery should be kept out of the territories, and by checking its further extension and forming a cordon of free states about the slaveholding section, slavery might soon be choked to death.

There were two escapes, the complaint concluded, from the doom which the Northern radicals had planned for the South: one was in secession, by which the South might obtain entire control of her own future; the other was by a constitutional prohibition which should prevent the contemplated action of the Republican party and gag the band of agitators who were making the slaveholder's life a burden, and who any day might be the cause of a murderous uprising on the part of the slaves.[1]

The chief replies of the North may be put into a few sentences. That some of the Northern states had passed laws tending to hinder the execution of a certain provision of the constitution and certain acts of Congress, was not denied; but it was not intended that this should be their effect. Their sole aim was to prevent the seizure and enslavement of free black men, which the cruel enactments of the fugitive slave law had rendered quite easy. Wherever these laws stood in the way of any of the provisions of the constitution and acts of Congress, they

[1] *Cf.* South Carolina's Address and Declaration of Causes, McPherson, pp. 12–16; Toombs, *Globe*, pp. 267–71; C. C. Clay, *Ibid.* p. 486; Reagan, *Ibid.* pp. 389–93; Wigfall, *Ibid.* p. 1400; Seddon, Chittenden's Report *etc.* pp. 91–98; Pryor, *Globe*, p. 602.

were null and void; and being inoperative they ought to be, and probably soon would be, repealed.[1]

It was true that the equality of the states was recognized in the constitution, and the North had no desire to disturb that equality. She proposed that the South should have the same privileges in the territories that she had; that is, that both might go there and have free institutions. If the Supreme Court had decided that the Southerners had a right to take their slave property there, why did they not go? The North had no means of preventing them until that court should change its opinion.[2] Whatever might be the dislike of slavery entertained in the North, there was no considerable number of men who in any way desired to interfere with slavery within the states. The burden of slavery rested upon the individual states of the South, and the national government had no desire to share their responsibility.[3] As evidence of this, the Northerners were willing to give the most ample pledges. For the inherent antipathy between Northern and Southern society, there seemed to be no remedy either in or out of the Union. Freedom of thought and of speech were much older than the constitution, and any attempt to check them would only increase the cause of complaint.

Between these extreme positions stood most of the Northern Democrats and a considerable number of the more moderate Southern members. This class was represented by the venerable Senator Crittenden of Kentucky, one of the oldest and most highly esteemed members of Congress. From first to last he stood patient, patriotic and hopeful, a veritable Nestor in the confused and excited councils of that stormy session. As early as December 18, 1860, he brought forward some carefully prepared resolutions which he hoped might be made a part of the constitution.[4] These resolutions are especially important,

[1] C. F. Adams, *Globe*, Appendix, pp. 124 *seq.*; Ashley, *Ibid.* pp. 61 *seq.*; Trumbull, *Globe*, pp. 1380–82; Corwin's Report, no. 31, 2d Sess. 36th Cong. vol. 1.

[2] Trumbull, *Globe*, p. 1380, defended this thesis with special ability.

[3] Henry Wilson gave this point fullest expression, *Globe*, p. 1402; although Seward, Lovejoy and many others agreed.

[4] *Globe*, p. 114; McPherson, p. 64.

because they form the basis of nearly all the other propositions made during the session and cover ground on which, had circumstances been somewhat different, it might have been possible for the North and the South again to meet in compromise. Their leading features were a return to the Missouri Compromise line, extended to the Pacific. They provided that in *all the present and future* territory north of that line slavery should be prohibited; south of it, slaves should be protected as property by authority of the federal government. States formed from this territory should be admitted with or without slavery, as their constitutions might determine; and Congress should have no power to abolish slavery in any territory under its special jurisdiction without the consent of the states within whose boundary said territory was situated. The transportation of slaves from one state or territory to another where slavery was lawful, should not be interfered with by Congress. The United States should pay to the owner the full value of his fugitive slave, in all cases where arrest was prevented or escape effected by intimidation or violence; the United States should have a claim against the county in which the hindrance occurred; and it, in turn, might sue the wrongdoers. Neither the foregoing nor the other provisions of the constitution in regard to slavery should be changed by any future amendment, nor should Congress have the right to interfere with slavery within any of the states. Crittenden explained the object of his resolutions as follows:

> I have endeavored to look with impartiality from one end of our country to the other; I have endeavored to search up what appeared to me to be the causes of discontent pervading the land; and, as far as I am capable of doing so, I have endeavored to propose a remedy for them.[1]

Before noticing what kind of a reception Crittenden's plan met, let us briefly review the other measures which were initiated for the same purpose both in and out of Congress.

On the fourth day of the session, December 6, Powell of Kentucky offered in the Senate a resolution which proposed the

[1] *Globe*, pp. 112 *seq.*

appointment of a Committee of Thirteen, to which should be referred as much of the President's message as related to the present condition of the country; and that said committee should inquire and report if any additional legislation within the sphere of the federal authority were necessary for the security of property in the states and territories, and if any constitutional amendment were necessary to insure the equality of the states.[1] The members of this committee were Senators Powell, Seward, Collamer, Bigler, Hunter, Toombs, Davis, Rice, Crittenden, Douglas, Wade, Doolittle and Grimes. On December 31, the committee reported that it had been unable to arrive at any general plan of agreement.[2] But their journal reveals some interesting proceedings.[3] Crittenden offered his resolutions at the first meeting; but they failed to obtain a majority. In the vote on the first clause Toombs and Davis voted in the negative along with the deepest-dyed of the "Black Republicans."[4] Seward submitted some resolutions which declared that no amendment to the constitution should give to Congress the right to interfere with slavery within the states; that the fugitive slave law should be so amended as to give the alleged fugitive a right to trial by jury; that the states be requested to repeal all laws which contravene the constitution of the United States or any laws made in pursuance thereof. Against these propositions, except in the vote on the first clause, the Southern Democrats presented an unbroken front.[5]

What the leaders of the South wanted, is to be found in the resolutions offered by Toombs. These differed from any of the foregoing mainly in that they provided that property in slaves should have the same protection from the government of the United States as any other property; that persons committing crimes against slave property in one state and fleeing to another should be delivered up as criminals; and that Congress should have power to pass laws to punish persons engaged in any act tending to disturb the tranquillity of any state.[6] Of course, none of these measures found any support among the Republicans.

[1] *Globe*, p. 19. [3] Senate Reports, 2d Sess. 36th Cong. no. 288.
[2] *Ibid.* p. 211. [4] *Ibid.* p. 5. [5] *Ibid.* pp. 10, 11. [6] *Ibid.* pp. 2, 3.

Davis's contribution toward compromise must have astonished even his brother secessionists. His leading proposition was to make it a part of the constitution that property in slaves vested under the law of any state "shall not be subject to be divested or impaired by the local law of any other state, either in escape thereto, or transit or sojourn of the owner therein."[1] This would practically have given the slave states the right to legislate slavery into the free states, since the latter would have been unable to keep slaveholders from coming and bringing their slaves with them, and retaining them so long as they might please to "sojourn."

Two days before Powell had proposed his resolution for a Senate committee, the House had decided upon a Committee of Thirty-three, one from each state, who should consider the same questions as the Senate committee. Nearly six weeks of anxious waiting and feverish hope elapsed before this committee was able to obtain a majority of a quorum for any measure. Even then the majority was made up of some men who said that they would not support all the propositions when put upon their passage in the House.[2] These propositions may be summarized under four heads: first, it was to be stated in the constitution that no amendment having for its object *any interference* with slavery in the states should ever be made, unless the same should originate with a slave state and be assented to by all the states; second, New Mexico was to be admitted as a state without further action of Congress; third, the fugitive slave law was to be so amended that it should be more efficient for the arrest of fugitive slaves; fourth, the act for the rendition of fugitives from justice was to be so amended as to give the federal courts exclusive jurisdiction and to make the indictment *prima facie* evidence of guilt.[3] So great had been the diversity of opinion among the members of this committee that, besides this majority report, distinct minority reports reached the as-

[1] Senate Reports, 2d Sess. 36th Cong. no. 288, p. 3.

[2] Reports of Committees, 2d Sess. 36th Cong. vol. 1. Report 31, Minority Report of Messrs. Love and Hamilton, p. 1.

[3] Bingham's summary, *Globe*, Appendix, p. 82.

tounding number of seven. Of these, that of Charles Francis Adams was the most noteworthy. With the exception possibly of Crittenden, Adams had been, in regard to this question, the most conciliatory and clear-sighted of all the members of Congress.[1] He stated that the resolution which read:

> Peaceful acquiescence in the election of the Chief Magistrate, accomplished in accordance with every legal and constitutional requirement, is a high and imperative duty of every citizen of the United States,

met with opposition on the part of several members, although it was entirely relevant.[2]

Besides the propositions already mentioned, there were a score of others offered by different members of Congress. Doubtless many of these were submitted in the hope that they might in some way help to preserve the Union; but more than one of them reads as if it were presented with the aim of saving Buncombe from secession. The majority of these resolutions were only more or less mollified forms of the Crittenden resolution and therefore do not call for special attention. Two, however, Hunter's and Vallandigham's, are worth noticing, as an illustration of the strange methods to which the "madness" of this winter had driven many.

Besides "guarantees of principle," much the same as were proposed in the Crittenden resolutions, Senator R. M. T. Hunter of Virginia believed that there ought to be "guarantees of power," in which the South should have the right of veto, in order to prevent any improper use of patronage by the President, and also to prevent the assertion on the part of the stronger section that there was some higher law which nullified the "guarantees of principle."[3] Calhoun's plan of a dual executive was revised and improved. Each section should elect a President, to be called first and second; the first was to serve four years as President, after which time the second should succeed him for the next four years, and be re-eligible; every

[1] *Cf.* Speech of January 31, 1861, *Globe*, Appendix, p. 124.
[2] Reports *etc.* Adams's Minority Report, p. 2.
[3] *Globe*, p. 329.

valid treaty should receive the signature of both Presidents and the assent of two-thirds of the Senate; and every law, besides the constitutional majority, should have the assent of both Presidents or, in the event of a veto by one of them, the assent of a majority of the Senators from the section from which he came. The Supreme Court should be made up of five judges from slave and five from free territory; and any state might cite any other before this tribunal; and any state found in default might be retaliated upon by denial of various privileges to its citizens and commerce.[1]

Vallandigham of Ohio proposed to cure sectionalism on the theory of *similia similibus*. The United States should be divided into four sections, to be known as North, West, Pacific and South; on demand of one-third of the Senators of any section, a vote should be taken by sections, and a majority of the Senators from each section voting should be necessary for the adoption of any measure; the choice of President and Vice-President should require a majority vote of the electors in each of the four sections; the concurrence of a majority of the states should be necessary to the choice of President by the House of Representatives, and that of a majority of the Senators from each section to a choice of Vice-President. No state might secede without the consent of the legislatures of all the states of the section to which it belonged.[2]

For various reasons, to be noted later, it was generally feared, the country over, that none of the compromises before Congress would be accepted by both the North and the South. The cotton states and New England were disinclined to modify their already expressed opinions; but large portions of the people of the states bordering on Mason and Dixon's line were quite conciliatory. They had sometimes voted with the extreme radicals, but their blood had never boiled with an intense hatred of the other section, since their proximity to it enabled them to understand it better. Furthermore, the great influence here

[1] Senator Simmons of Rhode Island called this the "Siamese pattern." *Globe*, p. 406.

[2] *Globe*, Appendix, pp. 242, 243.

was that of *personal interests* — which are never forgotten and rarely waived. The border states early appreciated their danger; they knew that if war should come, it would be waged on their soil and largely at their cost. Hoping to avoid this, the General Assembly of Virginia, on the 19th of January, 1861, passed a resolution declaring that as Virginia deprecated the dissolution of the Union and desired to restore it to the condition established by the Fathers of the Republic, she invited all the states to send commissioners to Washington, February 4, to confer with those of Virginia, and join "in an earnest effort to adjust the present unhappy controversies."[1] The shortness of the time intervening before the adjournment of Congress, March 4, made it impossible for the states to send delegates chosen by the people. Twenty-one states sent representatives, some of whom were appointed by the legislatures and others by the governors of the respective states. This was the famous "Peace Convention."

There was a more general feeling among the members of this convention than among those of Congress or any of the committees, that some compromise was both necessary and right. The same day that the Peace Convention assembled, the Montgomery delegates began the organization of the Confederacy; consequently, there were but few Secessionists in the Washington convention. Nearly all its members were impressed by the responsibility of the occasion. Ex-President Tyler was chosen president of the convention; and it was decided that the proceedings, in imitation of the great Constitutional Convention, should be secret. There seemed to be considerable likelihood that the convention would hit upon a compromise which would be quite generally accepted. But as soon as the reports were brought in and the debates began, a divergence of opinion became more and more manifest. It was soon easy to note three distinct classes. One was represented by Seddon of Virginia, who had come to the convention with the main object of putting slavery in such a firm position that no future action of the government could disturb it. Another

[1] Chittenden, pp. 9, 10.

counted among its members such men as George S. Boutwell of Massachusetts and David Dudley Field of New York, who could in no way appreciate the fact that any action of the North could endanger the country, or that the South had any reason for demanding amendments to the constitution in order to render the Union tolerable. Between these two stood the third class, sufficient in numbers to turn the scale either way, who represented different states and parties and interests, and whose chief aim was to prevent a war at the price of almost any compromise. Such were the "dough-faced" Democratic members from the Northern states; such also was William E. Dodge of New York, — at his best a philanthropist of a high order, but now the representative of the New York Chamber of Commerce, who came not simply to save the Union but also to see that the pockets of the New York merchants should not suffer by any alienation between Northern and Southern business interests.[1]

When the Northern extremists saw the purpose of the Southern party, they resolved to put the latter's professed love of the Union to a test. At different times, resolutions were proposed which asserted that "the union of the states under the constitution is indissoluble"; that "the highest political duty of every citizen of the United States is his allegiance to the federal government"; but in each case these resolutions were thrust aside, and the convention was reminded by the Southern members that the object of assembling was to *conciliate* and not to pass resolutions which would only have the effect of making the discontented more restless.[2] This was a very remarkable position, if we remember that the Southern states represented in the convention had declared that the United States should neither collect the revenue in the seceded states nor retake its own forts; or, if it should, they would at once make common cause with the cotton states. Nor would any of the Southern border states or their delegates give their pledge of assistance towards preserving the Union in whatever way might be found necessary, in case their own propositions should be accepted by the

[1] *Cf.* Chittenden, pp. 190 *seq.*
[2] *Ibid.* pp. 408–9, 446–48.

North. Slavery not only must be guaranteed and nourished in almost every conceivable way in the Southern states and in the territories south of 36° 30′, but it must be protected by the constitution, and all future territory south of that line be secured for slavery. In the language of the chief debater from Virginia, Seddon: "She insists on the provision for future territory. She and her sister states plant themselves upon it."[1] Brockenbrough of the same state only uttered the truth more plainly than his colleagues when he said: "We cannot accept these propositions as a boon from any section. We must have them as a right or not at all."[2]

A philosopher has said that out of discord proceeds the fairest harmony; but certainly Pythagoras was not thinking of politics when he made his generalization. The Peace Convention had been in session but a few days when it became absolutely certain that no harmonious conclusion could be reached. After more than three weeks of tedious and futile wrangling, the convention succeeded in getting through a series of resolutions intended as an amendment to the constitution, which, as Crittenden himself said, were about the same as his own, except that the provision as to slavery in all future territory south of 36° 30′ was omitted.[3] So small was the majority by which the separate resolutions were passed, that the convention feared to take the usual vote on the adoption of the resolutions as a whole, lest they might be rejected. Barringer of North Carolina prophesied that "this hollow compromise will never satisfy them [the Southern people] nor will it bring back the seceded states."[4]

By following as many of these propositions as were brought to a vote in either House of Congress, and by going deeper into the debates of this momentous session, we shall get a clear insight into the possibilities, the difficulties and burning antagonisms which confronted these final efforts at compromise.

The most objectionable part of the Crittenden resolutions was the clause which provided that slavery should exist in all territory now held, or hereafter acquired, south of 36° 30′. It was

[1] Chittenden, p. 92.
[2] *Ibid.* p. 280.
[3] *Ibid.* p. 570.
[4] *Ibid.* p. 436.

asserted by almost every Southern member of Congress that all the South asked was a return to the constitution as understood by the Fathers; yet she would not think of remaining in the Union unless this line were drawn in the interest of slavery. Why this clause was so important to the South is easily understood. She saw in it a possibility of boundless expansion — expansion so vast as to give her the balance of power for an unlimited period. Ten Eyck of New Jersey, as well as many others, clearly saw that the passage of such an amendment to the constitution would be tantamount to an invitation to the South to begin filibustering in Mexico, Cuba and Central America, with the assurance that these regions might be made part of the Union without much trouble.[1] The purpose of the clause was so plain that even a timid Northern Democrat had courage enough to say:

> If we expand, it must be in a southern direction. It has been a favorite policy of the Democratic party to acquire Cuba. . . . We discussed all last winter the propriety of assuming a protectorate over Mexico, with the view, in the process of time, as our population increased, to absorb and assimilate that people and make it a portion of our nation.[2]

With few exceptions, the Southern members demanded at least as much as the Crittenden resolutions offered. Nearly all from the border states averred that nothing less would "allay the fears of the South." Crittenden himself reasoned that, unless his or similar compromise measures were passed, the Union would go to pieces. Without recognizing any right of secession on the part of the South, he thus spoke of the enormous concessions proposed: "Sir, it is a cheap sacrifice. It is a glorious sacrifice."[3]

The well-settled conviction of most of the Republican representatives was stated by Senator Wilkinson of Minnesota. He said that his state and the Northwest favored standing on the *existing* constitution, and doing justice to all. "No one has a right to ask us to give bonds for our good behavior."[4]

[1] *Globe*, p. 682.
[2] Latham of California, *Globe*, p. 403.
[3] *Globe*, p. 113.
[4] *Ibid.* p. 1369.

Several Republicans, like Senator Trumbull of Illinois, and Wilkinson, would have been willing to return to the Missouri Compromise, — which the pro-slavery party had so ruthlessly destroyed in 1854, thinking that thereby the country might again enter upon a long period of freedom from the agitation of the slavery question.[1]

All but one or two days of the session had elapsed before the Senate came to a final vote on the Crittenden resolutions. They were rejected by a vote of 20 to 19.[2] Crittenden sat silent, tearful and almost broken-hearted.

Of the resolutions reported by the Committee of Thirty-three only the first clause received a constitutional majority of both Houses. The report of the Peace Convention had been submitted to both branches of Congress a few days before. On March 1, in order to bring the propositions at once before the House, a motion was made to suspend the rules. Some of the Secessionists and the extreme Republicans united in their opposition to the reception of the report. Lovejoy objected to it "*in toto coelo.*"[3] Craige of North Carolina was "utterly opposed to any such wishy-washy settlement of our national difficulties."[4] Leake of Virginia "regarded this *thing* as a miserable abortion, forcibly reminding one of the old fable of the mountain and the mouse; nevertheless, he was willing to let the mouse in, in order to have the pleasure of killing it."[5] Hindman of Arkansas thought the proposition "unworthy of the vote of any Southern man."[6] Garnett of Virginia was anxious to have the rules laid aside, so as to get a chance to express his "abhorrence of these insidious propositions conceived in fraud and born of cowardice."[7] Thaddeus Stevens interjected, in the general confusion which prevailed: "I think we had better go on with the regular order. We have saved this Union so often that I am afraid we shall save it to death."[8] On March 1, by a vote of 93 to 67, — two-thirds being necessary to carry the motion, — the House refused to suspend the rules.[9] This is the near-

[1] *Globe*, pp. 1369, 1381.
[2] McPherson, p. 66.
[3] *Globe*, p. 1331.
[4] *Ibid.* p. 1333.
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.* p. 1332.
[9] *Ibid.* p. 1333.

est approach these propositions ever made to entering the House.

In the Senate they were but little more successful. Crittenden, as ever, had it for his chief aim to "pacify the country"; and, thinking the Peace Convention resolutions more available than his own, which were offered as an amendment, he favored the former.[1] Most of the Southerners thought these propositions worse than nothing. Hunter preferred the present position under the constitution, with the Dred Scott decision as its exposition.[2] Mason, the other Senator from the state that had issued the call for the Peace Convention, said that he would consider himself a traitor if he should recommend such propositions.[3] Wigfall of Texas, however, bore off the palm by saying: "If those resolutions were adopted, and ratified by three-fourths of the states of this Union, and no other cause ever existed, I make the assertion that the seven states now out of the Union would go out upon that."[4] Many of the Republicans were equally strong in their opposition to them. Chandler of Michigan spoke the substance of the opinions of several on his side of the Senate when he expressed himself in the language of the "stump" by saying: "No concession, no compromise, — ay, give us strife, even to blood, — before a yielding to the demands of traitorous insolence."[5]

Late on the 2d of March the Senate rejected the propositions by a vote of 28 to 7.[6] Nor does it seem strange that so unsympathetic a body as the Senate should look upon them with such disfavor, when we learn that John Tyler, the president of the convention that passed them, and Seddon returned to their state and denounced the recommendations of the Peace Convention as a delusion, a sham and an insult to the South.[7]

The thoroughly sectional character of the diversity of convictions becomes still more apparent when we compare the opinions prevalent in the extreme South and in the extreme North. The action of Congress showed the resultant of these conflict-

[1] *Globe*, p. 1310.
[2] *Ibid.* p. 1307.
[3] *Ibid.* p. 311.
[4] *Ibid.* p. 1373.
[5] *Ibid.* p. 1773.
[6] *Ibid.* p. 1405.
[7] McPherson, p. 6.

ing forces rather than the extent of their antagonism. As the border states, occupying the middle position, held the average opinion, so the extreme states were in the widest opposition upon the question of compromise. Hawkins of Florida told the House, when the question was first touched upon, that the day of compromise was past and that he and his state were opposed to all and every compromise.[1] Pugh and Clopton of Alabama both spoke boldly for secession and against any temporizing policy.[2] Congress had been in session but ten days, and neither of the committees on compromise had had time to report, when a large number of the members of Congress from the extreme Southern states issued a manifesto declaring that "argument was exhausted" and that "the sole and primary aim of each slaveholding state ought to be its speedy and absolute separation from an unnatural and hostile Union."[3] Before the Committee of Thirty-three made its report, most of the cotton states had seized all the United States arsenals and navy-yards and ships within their borders.[4] Senator Wigfall of Texas, in whose boundless loquacity lurked many a truth, assured the Senate that nothing short of a resolution declaring that each state had a right to secede would induce the Gulf states to even entertain propositions of compromise.[5]

The boldness of these facts is startling, even when viewed at this distance. They make it perfectly evident that it was not the constitution which the South was desirous of saving, but the institution of slavery which she was determined to preserve. Likewise on the Northern side we find that those who were courageous logical and intellectually vigorous in political speculation, considered the constitution of less importance than the development of their ideas of freedom. These people were called Abolitionists. Although their political strength was not great, some one of their many ideas found sympathy in the mind of almost every Northerner of education or of clear moral intentions. This explains how John A. Andrew could be

[1] *Globe*, p. 7.
[2] *Ibid.*
[3] McPherson, p. 37.
[4] *Ibid.* 27, 28.
[5] *Globe*, p. 1373.

elected governor of Massachusetts, although known to have presided over a John Brown meeting. The purpose of the Abolitionists was "the utter extermination of slavery *whereso-ever* it may exist."[1] Wendell Phillips surprised very few Abolitionists when, knowing that the Confederacy was forming, he rejoiced that "the covenant with death" was annulled and "the agreement with hell" was broken in pieces, and ex-claimed:

> Union or no Union, constitution or no constitution, freedom for every man between the oceans, and from the hot Gulf to the frozen pole![2] You may as well dam up Niagara with bulrushes as bind our anti-slavery purpose with Congressional compromise.

Congress had to consider such facts as these, as well as the compromises which were proposed. Stephen A. Douglas felt compelled to say, as early as January, 1861, that there were Democrats in the Senate who did not want a settlement.[3] And it was plain to all that most of the Republicans discouraged further concessions. Nor would a constitutional amendment have been possible unless the Northern members had first rec-ognized the seven states as being out of the Union, for it would otherwise have required the support of all but one of the states that were still active. That the "personal liberty" laws were a violation of the constitution, and that the execution of the fugi-tive slave law of 1850 had been unconstitutionally obstructed, were unquestioned facts, directly or indirectly recognized by many of the Republican leaders. Nevertheless, the North was much more inclined to continue in this unconstitutional position than to yield to the demands of the South. If the South had lent her support to Seward's propositions they would have removed — as far as anything could — the just ground of complaint on the part of both against the fugitive slave law and the per-sonal liberty bills, and taken away all likelihood of invasion from the North in the near future. But Seward's plan did not touch the dispute about slavery in the territories, much less the

[1] William Lloyd Garrison, IV. 1.
[2] Speeches *etc.* pp. 343, 354.
[3] *Globe*, p. 661.

question of establishing it in all present and future territory south of a certain line; nor did it do away with the objection to the immorality of slavery under all conditions. Where is the clause in the constitution which justifies secession in case this should be refused? asked the more conservative Republicans, when accused of endangering the Union. Even if there had been such a clause, and the feeling of antagonism between the North and the South had reached such a pitch of intensity as it did, it is certain that most of the Abolitionists and many of the Republicans would still have stood in the way of further concessions.

At the opening of Congress, Iverson, speaking for the South, said that there was a deep and enduring enmity between the North and the South. "We are enemies as much as if we were hostile states."[1] This hostility between the two sections was only less general — not less strong where it existed — on the part of the North. There were hundreds of thousands who looked upon the slaveholders of the South as the embodiment of all that was worst in our social and political institutions. They have gone mad in their wickedness, said the extreme Abolitionists, and they are determined to destroy the government in case they cannot continue to rule it; talk of compromise is folly; the South must be made to feel that freedom is a power quite equal to that of slavery.

The campaign of 1860 had been little less than a drawing up of the antagonistic forces in battle array after they had understood the reason of mobilization. On December 22, 1860, Lincoln wrote to Alexander H. Stephens: "You think slavery is right and ought to be extended, while we think it is wrong and ought to be restricted."[2] That was the essence of the whole question. Now, looking at the matter historically, and remembering that these two moral convictions — for such they were — had been shaping and solidifying almost from the very day the Union began its existence; remembering, too, that they had grown with great rapidity in spite of threats of secession, in spite of actual secession and the prospect of civil war, — was

[1] *Globe*, p. 12. [2] Stephens, The War between the States, II, 267.

not here an "irrepressible conflict" if there ever can be such a thing? Senator Bigler of Pennsylvania, with the typical insipidity of a "dough-face" and the borrowed look of a wise statesman, said that whatever remedies were adopted ought to be "complete and final, reaching to the root of the disease," so that "conscientious enemies of slavery" should feel that they had "no responsibilities to bear and no duties to perform."[1] How can a man *conscientiously* bargain or compromise away his conscience? Yet in such an impossibility was the only escape from a conflict in the Union, unless the one idea or the other should die a natural death. It was therefore not so much profound as logical thinking that brought Lincoln to the conclusion, in 1858, that the country must become all slave or all free. This the great majority of each section had now come to see: but only the extremists upon each side, who in their reasoning ran ahead like scouts before an army, saw the meaning of the coming conflict; namely, that the two ideas were diametrically opposed; that the moral conviction and personal interest of each side were greater than their existing love for the letter or the spirit of the constitution; and that these convictions and interests were bound to be contested for in compliance with or in open violation of the constitution, as the circumstances of the case might dictate.

Not only was even a relatively permanent compromise impossible in itself, but an agreement to any of the leading Southern propositions would have been a fatal blow to Democratic sovereignty. The pitiable decay into which the government had fallen on account of the influence of the past and the present spirit of compromise was all too truly pictured in Wigfall's insolent boast in the Senate:

> The *Star of the West* swaggered into Charleston harbor, received a blow planted full in the face, and staggered out. Your flag has been insulted; redress it, if you dare. You have submitted to it for two months, and you will submit to it forever.[2]

Was not almost the last breath of life choked out of the government that would permit itself to be stripped of its prop-

[1] *Globe*, p. 492. [2] *Ibid.* p. 1373.

erty in a hundred places and to the value of millions of dollars, and still not raise a finger in defence?

The last stage in the evolution of the Southern theory in regard to slavery and the constitution was not only that Congress must guarantee slavery south of a certain line, nor merely that a minority must have as much weight in the government as a majority, but that *a minority might change the constitution*, or secede in case its demands were refused. The acceptance by the North of the Crittenden resolutions — and nothing less would have been even considered by the South — would have conceded all this. At the thought of such a concession at least a score asked: What counter-pledges are we of the North to have? What guarantee will you give that next year you will not make new demands,[1] such as the suppression of free speech and of the free press, or ultimately, that there shall be no laws against slavery?[2] To these questions there was but one answer. Whatever temporary effect a compromise — if any compromise were possible — might have exercised, it was certain that the South would secede in the future unless the North, the vast majority, would consent that the country might become "all slave." That would have been a compromise indeed, but a compromise at the expense of every political idea which had made the United States great.

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[1] Trumbull, *Globe*, p. 313.

[2] Lovejoy, *Globe*, Appendix, p. 85.